



The parties' request to adjourn the VOSR hearing and submission dates in this matter is DENIED. The parties shall comply with the schedule previously set forth on the record at the June 6, 2022 VOSR presentment. (See Minute Entry of June 6, 2022).

Dated: July 8, 2022
New York, New York

Hon. Richard J. Sullivan
United States Circuit Judge
Sitting by Designation

BY ECF

The Honorable Richard J. Sullivan
United States Circuit Judge¹
United States Court of Appeals for the Second Circuit
40 Foley Square
New York, New York 10007

Re: *United States v. John Kovac*, 15 Cr. 514 (RJS)

Dear Judge Sullivan,

The parties in the above-referenced matter write jointly to request a three-week adjournment of the deadline for the Government's exhibit list, witness list, and other relevant materials and the revocation hearing on the defendant's, Mr. Kovac, violation of supervised release currently scheduled for July 20, 2022. United States Probation Officer Giavonnii Foderingham joins in and consents to the request. The parties kindly request any date convenient to the Court in early or mid-August 2022 and that the Government's aforementioned materials be due 7 days before the hearing. The parties request this adjournment for the following reasons:

First, defense counsel has been at trial since June 13, 2022 and has not been able to prepare for the hearing on the alleged violations of supervised release conditions in this matter. Defense counsel has specifically conferred with USPO Foderingham who is now supervising Mr. Kovac about Mr. Kovac's compliance with drug treatment. USPO Foderingham noted that Mr. Kovac has consistently tested negative for drugs, is participating in all mandated programs, and is also attending school.

Second, the Government has not yet obtained information from J-CAP and BASIC, Inc. The former is the inpatient drug treatment facility where the defendant was discharged from for breaking program rules by bringing drugs into the facility. The latter is the inpatient drug treatment program that possesses materials regarding the defendant's positive fentanyl drug test. On July 1, 2022, the Government requested that the Court "so-order" two subpoenas requesting information from these entities, and today, your Honor "so-ordered" them. The requested adjournment would allow time for the Government to receive the materials and review them. Until the Government is able to review the materials, the Government cannot provide the Court with a complete witness list or exhibit list unless and until it is able identify the relevant witnesses and documents from the subpoena returns.

¹ Sitting by designation as a United States District Judge for the Southern District of New York

Accordingly, the parties jointly request that the hearing on the defendant's violation of supervised release be adjourned to any date convenient to the Court in early or mid-August 2022 and the deadline for the Government's witness list, exhibit list, and other materials be adjourned to 7 days before the date of the hearing.

Thank you for your consideration of this matter.

Very truly yours,

DAMIAN WILLIAMS
United States Attorney

by: /s/ Edward C. Robinson Jr.
Edward C. Robinson Jr.
Assistant United States Attorney
212-637-2273

cc: Sabrina P. Shroff, Esq.
Giavonnii Foderingham, U.S. Probation